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PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	10/037,085
Filing Date	December 20, 2001
First Named Inventor	Kenneth M. Maxham
Group Art Unit	2874
Examiner Name	Not Assigned
Attorney Docket Number	CIE-0063(21216-05666)

I hereby appoint:

☐ Practitioners at Customer Number →

Place Customer
Number Bar Code
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☒ Practitioner(s) named below:

Name	Registration Number
David L. Soltz	34,731
Michael R. Cammarata	39,491
David A. Fox	38,807

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Practitioner(s) at Customer Number. →

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☒ Firm or Individual Name **CIENA Corporation**

Address **1201 Winterson Road**

Address

City **Linthicum,** State **MD** Zip **21090**

Country **USA**

Telephone **410-694-5763** Fax **410-865-8001**

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name **Russell B. Stevenson, Jr., Senior Vice President and General Counsel**

Signature

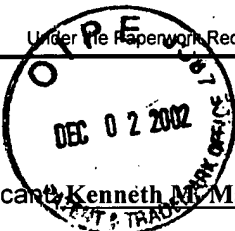
Date **11/19/02**

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple

☒ *Total of One (1) forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant: Kenneth Mark MaxhamApplication No.: 10/037,085Filed: December 20, 2001Entitled: System and Method for Selecting the Placement of Optical Amplifiers in an Optical NetworkCIENA Corporationa corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: ONI Systems Corp. To: CIENA Corporation
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: Kenneth Mark Maxham To: ONI Systems Corp.
The document was recorded in the Patent and Trademark Office at
Reel 012714, Frame 0319, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

11/19/02

Date

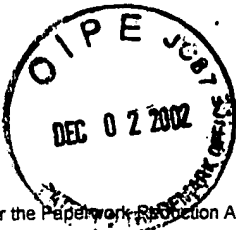
Signature

Russell B. Stevenson, Jr.

Typed or printed name

Senior Vice President and General Counsel

Title



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PTO/SB/92 (08-03)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

**Assistant Commissioner for Patents
Washington, D.C. 20231**

on Septemberr 10, 2002

Date

Signature

Karey L. Congdon

Typed or printed name of person of signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

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PATENTS ONLY

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
ONI Systems Corp.



Additional names(s) of conveying party(ies): ☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: CIENA Corporation

Internal Address: _____

Street Address: 1201 Winterson Road

City: Linthicum State: MD ZIP: 21090

3. Nature of conveyance:

- ☐ Assignment ☒ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: 6/21/02

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

09/648,672 09/823,410 09/650,254
09/667,934 10/037,085 09/895,342
09/965,107 09/967,696 09/855,319
10/006,293 10/005,507 10/152,139

B. Patent No.(s)

Additional numbers attached? ☒ Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: David A. Fox

Internal Address: Cantor Colburn LLP

Street Address: 55 Griffin Road South

City: Bloomfield, State: CT ZIP: 06002

6. Total number of applications and patents involved: 14

7. Total fee (37 CFR 3.41):.....\$ 560.00

- ☐ Enclosed - Any excess or insufficiency should be credited or debited to deposit account
☒ Authorized to be charged to deposit account

8. Deposit account number:

06-1130

(Attach duplicate copy of this page if paying by deposit account)

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

David A Fox, Registration No. 38,807

Name of Person Signing

Signature

September 10, 2002

Date

Total number of pages including cover sheet, attachments, and document: 5

**RECORDATION FORM COVER SHEET
PATENTS ONLY**

Item No. 4, Continued:

A. Patent Application Nos.

10/153,230 09/660,388

Delaware

PAGE 1

The First State

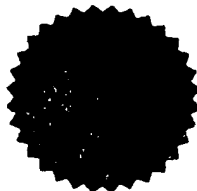
I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"ONI SYSTEMS CORP.", A DELAWARE CORPORATION,

WITH AND INTO "CIENA CORPORATION" UNDER THE NAME OF "CIENA CORPORATION", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-FIRST DAY OF JUNE, A.D. 2002, AT 1:30 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF MERGER IS THE TWENTY-FIRST DAY OF JUNE, A.D. 2002, AT 11:59 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

2314539 8100M

020402001

AUTHENTICATION: 1845589

DATE: 06-21-02

**CERTIFICATE OF MERGER
OF**

**ONI SYSTEMS CORP.,
a Delaware Corporation
WITH AND INTO
CIENA CORPORATION,
a Delaware Corporation**

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 01:30 PM 06/21/2002
020402001 - 2314539

The undersigned corporation DOES HEREBY CERTIFY:

FIRST: That the name and state of incorporation of each of the constituent corporations of the merger is as follows:

NAME

STATE OF INCORPORATION

CIENA Corporation
ONI Systems Corp.

Delaware
Delaware

SECOND: That an agreement of merger between the constituent corporations has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of Section 251 of the General Corporation Law of the State of Delaware.

THIRD: That the name of the surviving corporation of the merger is
CIENA Corporation.

FOURTH: That the certificate of incorporation of CIENA Corporation, a Delaware corporation, the surviving corporation, shall be the certificate of incorporation of the surviving corporation.

FIFTH: That the executed agreement of merger is on file at the principal place of business of the surviving corporation. The address of the principal place of business of the surviving corporation is 1201 Winterson Road, Linthicum, MD 21090.

SIXTH: That a copy of the agreement of merger will be furnished by the surviving corporation, on request and without cost, to any stockholder of each of the constituent corporations.

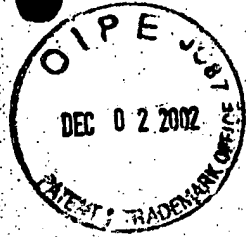
SEVENTH: The effective date of the merger shall be as of 11:59 p.m. Eastern Time on June 21, 2002.

IN WITNESS WHEREOF, CIENA Corporation, a Delaware corporation, has caused this certificate to be signed by Russell B. Stevenson, Jr., its Senior Vice President, General Counsel and Secretary, an authorized officer of the corporation, this 21st day of June, 2002.

CIENA Corporation,
a Delaware corporation

By: 

Russell B. Stevenson, Jr.
Senior Vice President, General
Counsel and Secretary



CIENA Corporation
CIE-0000

Please acknowledge receipt of the Recordation Form Cover Sheet (2 pages;
Certificate of Merger (3 pages); Authorization to Charge Deposit Account No.
06-1130; Certificate of Mailing; and Postcard receipt.

Mailed to the United States Patent and Trademark Office via 1st Class Mail
on September 10, 2002.

Received in the USPTO on:
